

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

QUENTIN DURAND WALKER,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,

Defendant.

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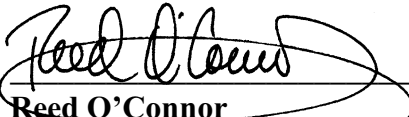
Civil Action No. 7:11-CV-98-0-BF

ORDER

This is a social security case. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, the case was referred to United States Magistrate Judge Paul D. Stickney for review and submission of proposed findings of fact and recommendation for disposition. On December 8, 2011, the Findings, Conclusion and Recommendation of the United States Magistrate Judge were filed, to which no objections were filed.

After considering the record, including Defendant's Motion to Dismiss Plaintiff's Complaint [doc. 10], to which no response was filed, and applicable law, Magistrate Judge Stickney recommended that Defendant's motion to dismiss be granted and the case be dismissed without prejudice for failure to exhaust administrative remedies. After an independent review of the pleadings, file, record, applicable law, and Magistrate Judge's Stickney's findings and conclusions, the Court determines that the findings and conclusions are correct, and hereby **accepts** them as those of the court. Accordingly, the court **grants** Defendant's Motion to Dismiss [doc. 10] and **dismisses** this case without prejudice for lack of subject matter jurisdiction based on Plaintiff's failure to exhaust his administrative remedies.

SO ORDERED this **27th** day of **December, 2011**.



Reed O'Connor
UNITED STATES DISTRICT JUDGE